

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RELDA ANN MOSS,

Plaintiff,

-v-

FAIRBORN CITY SCHOOLS,

Defendant.

Case No. C-3:08-cv-393

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #129); OVERRULING
MOSS'S OBJECTIONS (Doc. #130); DISMISSING MOSS'S COMPLAINT
WITH PREJUDICE; OVERRULING DEFENDANT'S MOTION TO
EXTEND SUMMARY JUDGMENT DEADLINE (Doc. #112) AS MOOT;
AND ORDERING MOSS TO SHOW CAUSE NOT LATER THAN
THIRTY (30) DAYS FOLLOWING ENTRY OF THIS ORDER AS TO
WHY DEFENDANT'S MOTION FOR REASONABLE EXPENSES AND
ATTORNEYS' FEES IN THE AMOUNT OF \$2,810.74 (Doc. #111)
SHOULD NOT BE GRANTED**

This matter comes before the Court pursuant to Magistrate Judge Sharon L. Ovington's Report and Recommendations regarding several pending motions in the subject case brought by pro se Plaintiff Relda Ann Moss ("Moss"). (Doc. #129.) The Report and Recommendations recommends that Defendant's Motions To Dismiss for failure to obey a discovery order (doc. #98) and for failure to submit to deposition (doc. #111) be granted and that Moss's Complaint be dismissed with prejudice. The Report and Recommendations also recommends that Defendant's Motion To Extend Summary Judgment Deadline (doc. #112) be denied as moot and that Moss's Second Motion for Reconsideration (doc. #118) be denied as moot. Finally, the Report and Recommendations recommends that Moss be directed to show cause as to why Defendant's Motion for Reasonable Expenses and Attorneys' Fees (doc. #111) in the amount of \$2,810.74

should not be granted.

Moss has filed Objections, and a supplement thereto, to the Report and Recommendations and the Defendants have responded to Moss's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court adopts the Magistrate Judge's Report and Recommendations in its entirety with one exception. The exception is that the Magistrate Judge's recommendation to deny Moss's Second Motion for Reconsideration as moot has already been ruled on by the Court and no further action on this Motion is necessary.

Moss has committed multiple violations of the rules of discovery and this Court's discovery orders. The resulting appropriate sanction is dismissal of her Complaint. Therefore, Defendant's Motions To Dismiss (doc. #98 and doc. #111) are GRANTED and Moss's Complaint is DISMISSED WITH PREJUDICE. Further, Moss's Objections to the Report and Recommendation are OVERRULED.

The Defendant has requested that the Court also sanction Moss's failure to submit to deposition questioning by awarding Defendant its reasonable expenses, including attorneys' fees for arranging and preparing for an aborted deposition. Therefore, Moss is given until not later than thirty (30) days following entry of this order to show cause as to why the Defendants should not be awarded \$2,810.74 in attorneys' fees and expenses for arranging and preparing for the aborted deposition.

DONE and **ORDERED** in Dayton, Ohio, this Fourteenth Day of July, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Relda Ann Moss at her last address of record